



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
Attorney General

June 25, 2008

LESLIE G. LEACH  
Executive Deputy Attorney General  
Division of State Counsel

Via Fax (212)805-7925  
Hon. Robert W. Sweet  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

JUNE DUFFY  
Assistant Attorney General in Charge  
Litigation Bureau

Re: Perry v Stephen  
08CV3586 (RWS)  
Pro Se

Dear Judge Sweet:

This letter is written on behalf of defendant, Corrections Officer Paul Stephens, employed by the New York State Department of Correctional Services ("DOCS") at Downstate Correctional Facility, respectfully to request an extension of time until July 29, 2008 to respond to the pro se Section 1983 civil rights complaint. Plaintiff, an inmate at Upstate Correctional Facility, alleges that excessive use of force was used against him at Downstate on January 2, 2008.

Additional time is being requested to permit our office to confer with our client and to obtain from DOCS and Downstate records necessary to enable us to prepare our response by means of an Answer or Motion to Dismiss. No previous requests have been made for such an extension. I did not obtain plaintiff's consent prior to making this application because he is incarcerated.

Respectfully submitted,  
  
Donald Nowve  
Assistant Attorney General  
(212)416-8227

Robert W. Sweet  
7-1-08

c: Kareem S. Perry  
DIN #93-A-5130  
Upstate Correctional Facility  
309 Bare Hill Road  
Malone, New York 12953